



Entered on Docket
May 13, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ELIZABETH MAY REAL ESTATE
LOAN**

Hearing Date: May 8, 2008
Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Elizabeth May Real Estate Loan (the "Objection") [DE 6105]. Adequate notice of the Objection was given. The Court heard the Objection on May 8, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Elizabeth May Real Estate Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Elizabeth May Real Estate Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

**ELIZABETH MAY LOAN
FOURTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Elizabeth May Loan
10725-01903	AIG Limited, a Nevada Limited Partnership	9904 Villa Granito Lane Granite Bay, CA 95746-6481	\$406,648.76	\$50,000.00
10725-02366	Al-Awar Living Trust Dated 4/05/01	Adib M. and Ellen A. Al-Awar Trustees 1330 Burro Court Gardnerville, NV 89410	\$1,807,956.81	\$100,000.00
10725-01050	Brooks Living Trust Dated 6/30/97	c/o Howard D. and Doreen C. Brooks Trustees 1894 US Highway 50 E, Suite 4-344 Carson City, NV 89701-3202	\$300,000.00	\$50,000.00
10725-02263	Burgarello Inc. Profit Sharing Plan	Ronald A. Johnson Trustee 50 Snider Way Sparks, NV 89431-6308	\$202,800.00	\$50,000.00
10725-02128	Burgarello Inc. Profit Sharing Plan	c/o Ronald A. Johnson Trustee 50 Snider Way Sparks, NV 89431-6308	\$202,800.00	\$50,000.00
10725-02528	Peter W. and Deidre D. Capone	P.O. Box 1470 Gardnerville, NV 89410-1470	Unclear	Unclear
10725-01094	Carter Family Trust Dated 6/17/96	c/o Jerry W. and Nancy L. Carter Trustees 4543 Northwind Court Sparks, NV 89436-4657	\$75,000.00	\$50,000.00
10725-01555	Tito Castillo	13390 Parkside Terrace Cooper City, FL 33330	\$423,845.13	\$117,464.15
10725-00811	Cohen Living Trust Dated 3/6/90	c/o Scott D. Fleming, Esq. Hale Lane Peek Dennison & Howard 3930 Howard Hughes Parkway, 4 th Floor Las Vegas, NV 89169	\$404,317.00	\$150,000.00
10725-01218	Cohen Living Trust 3/6/90	c/o Scott D. Fleming, Esq. Hale Lane Peek Dennison & Howard 3930 Howard Hughes Parkway, 4 th Floor Las Vegas, NV 89169	\$404,316.00	\$150,000.00